

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLEEM ALBERT WALKER BORDEN,
Plaintiff,

v.

**COMMONWEALTH OF
PENNSYLVANIA, et al.,
Defendants.**

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Case No. 2:23-cv-3961-JDW

ORDER

AND NOW, this 6th day of March, 2024, upon consideration of Plaintiff Alleem Albert Walker Borden's Motion to Proceed *In Forma Pauperis* (ECF No. 6) and his Prisoner Trust Fund Account Statement (ECF No. 5), it is **ORDERED** that the Motion is **GRANTED**.

It is **FURTHER ORDERED** that Plaintiff Alleem Albert Walker Borden, #22003141, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Borden's inmate account; or (b) the average monthly balance in Borden's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding

month when the amount in Mr. Borden's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Borden's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

It is **FURTHER ORDERED** that the Clerk of Court shall send a copy of this Order to the Warden of George W. Hill Correctional Facility.

It is **FURTHER ORDERED** that the Complaint is **DEEMED** filed.

Upon review of the Complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and for the reasons stated in the accompanying Memorandum, it is **ORDERED** that the Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE**, as follows:

a. Mr. Borden's claims against the Commonwealth of Pennsylvania and George W. Hill Correctional Facility, his claims against Warden Laura Williams in her official capacity, and his negligence claims are **DISMISSED WITH PREJUDICE**; and

b. Mr. Borden's claims against any Defendant in his or her individual capacity for failure to protect or supervisory liability and his claim against Delaware County for municipal liability are **DISMISSED WITHOUT PREJUDICE**.

It is **FURTHER ORDERED** that the Clerk of Court shall terminate the Commonwealth of Pennsylvania and George W. Hill Correctional Facility as Defendants.

It is **FURTHER ORDERED** that on or before April 5, 2024, Mr. Borden may file an amended complaint. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Mr. Borden's claims against each defendant. The amended complaint must also provide as much identifying information for the defendants as possible. Mr. Borden may refer to a defendant by last name only if that is the only identifying information he possesses. If Mr. Borden wants to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Borden should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until I so order.

It is **FURTHER ORDERED** that the Clerk of Court shall send Mr. Borden a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Mr. Borden may use this form to file his amended complaint if he chooses to do so.

If Mr. Borden does not intend to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court on or

before April 5, 2024, stating that intent, at which time I will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case.

If Mr. Borden fails to file any response to this Order, I will conclude that he intends to stand on his Complaint and will issue a final order dismissing this case.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.